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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/652,110	08/29/2003	Constantin Bucur	O2MICRO 03.18	9841

32047 7590 02/14/2006

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EXAMINER

TIBBITS, PIA FLORENCE

ART UNIT	PAPER NUMBER
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2838

DATE MAILED: 02/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/652,110

Applicant(s)

BUCUR ET AL.

Examiner

Pia F. Tibbits

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) 14-38 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 9/13/04(2pgs), 9/28.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Specification

1. The original specification is objected to as failing to provide proper antecedent basis for the claimed subject matter "fixed DC power source", "controllable DC power source". See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of is required.
2. Applicant is reminded to use consistent language throughout the disclosure in order to facilitate finding support for the recited limitations, as well as to provide proper antecedence for all claimed limitations.
3. Filing Date of U.S. Parent Application can only be used as the 35 U.S.C. 102(e) date if it supports the claims of the issued child. See ***MPEP 2163.03***. In order to carry back the 35 U.S.C. 102(e) critical date of the U.S. patent reference to the filing date of a parent application, the U.S. patent reference must have a right of priority to the earlier date under 35 U.S.C. 120 or 365(c) and the parent application must support the invention claimed as required by 35 U.S.C. 112, first paragraph. "For if a patent could not theoretically have issued the day the application was filed, it is not entitled to be used against another as secret prior art" under 35 U.S.C. 102(e). ***In re Wertheim***, 646 F.2d 527, 537, 209 USPQ 554, 564 (CCPA 1981).

Claim Objections

4. Claims 5, 10, 12 are objected to because of the following informalities:
 - Claim 5 recites "second charging closed position". Which is the "first charging closed position"?
 - Claim 10 recites "coupled between said DC to DC converter and said common", which is an unfinished sentence.
 - Claim 12 recites "first power supply mode" which lacks antecedence.Appropriate correction is required.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-6 are rejected under 35 U.S.C. 102(b) as being anticipated by **Williams** [5536977].

As to claim 1, Williams discloses in figures 1-11D a power supply topology comprising: a first path configured to be coupled to a controllable DC power source C3; a second path configured to be coupled to a battery B1; a third path configured to be coupled to a system load L, wherein said first, second, and third paths are coupled to a common node B; a first switch S3 coupled to said first path to allow selective coupling of said controllable DC power source C3 to said system load L via said common node B; and a second switch S1 coupled to said second path to allow selective coupling of said battery B1 to said common node B.

As to claims 2-6, see remarks and reference above.

7. Claims 7-13 are rejected under 35 U.S.C. 102(b) as being anticipated by **Williams**, as described above, in view of **GB-2303979**.

As to claim 7, Williams does not disclose wherein said controllable DC power source comprises a DC/DC converter.

GB discloses a power supply topology supplying the DC power to a load 3 through a DC/DC converter, wherein the DC backup power supply system is connected to the information apparatus so as to supply the DC power to the load 3 through the DC/DC converter generating DC current of various voltages needed for operating the UPS 1, and a load 3 [see abstract; fig.2; page 16]. Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify Williams's apparatus and include a DC/DC converter in order to generate DC current of various voltages needed for operating the loads.

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As to claim 8, the use of a fixed DC output voltage: it would have been obvious to a person having ordinary skill in the art at the time the invention was made to provide a selection for the output voltage in order to accommodate an application specifics, since it has been held that discovering an "optimum" or "preferred" value for a result effective variable involves only routine skill in the art. *In re Boesch*, 617 F.2d 272, 205 USPQ 215 (CCPA 1980).

As to claim 9, the particular location of the switch, i.e., coupled between said fixed DC power source and said DC/DC converter, absent any criticality, is only considered to be an obvious modification as it has been held by the courts that there would be no invention in shifting the location of a structure of a device to another location if the operation of the device would not thereby be modified. *In re Japikse*, 181 F.2d 1019, 86 USPQ 70 (CCPA 1950) MPEP 2144.04

As to claim 11, wherein said controllable DC power source comprises a controllable adapter, Williams discloses battery charger C5 may be supplied from the output of AC/DC converter C3 in order to supply a controlled voltage [see column 2, lines 12-13].

As to claims 10-13, see remarks and references above.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art cited in PTO-892 and not mentioned above disclose related apparatus.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Pia Tibbits whose telephone number is 571-272-2086. If unavailable, contact the Supervisory Patent Examiner Karl Easthom whose telephone number is 571-272-1989. The Technology Center Fax number is 571-273-8300.

10. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from

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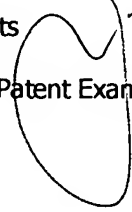
either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

PFT

February 6, 2006

Pia Tibbits

Primary Patent Examiner

A handwritten signature in black ink, appearing to be 'Pia Tibbits', written over the printed name.